

[TDC Form  
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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
**62282A**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

**10/511029**

INTERNATIONAL APPLICATION NO.  
**PCT/US03/09694**

INTERNATIONAL FILING DATE  
**28 March 2003**

PRIORITY DATE CLAIMED  
**12 June 2002**

TITLE OF INVENTION  
**CEMENTITIOUS COMPOSITION**

APPLICANT(S) FOR DO/EO/US

**Emmett M. Partain III; Pol C.A. Storme**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 15. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ A FIRST preliminary amendment.
- ☐ A SECOND or SUBSEQUENT preliminary amendment.
13. ☐ A substitute specification.
14. ☐ A change of power of attorney and/or address letter.
15. ☐ Other items or information:

**BEST AVAILABLE COPY**

|  |  |   |  |                                    |  |
|--|--|---|--|------------------------------------|--|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)<br><div style="text-align: center; font-size: 1.2em; font-weight: bold;">10/511029</div> |  | INTERNATIONAL APPLICATION NO.<br>PCT/US03/09694 |  | ATTORNEY'S DOCKET NUMBER<br>62282A |  |
|--|--|---|--|------------------------------------|--|

  

|   |              |              |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
|---|--------------|--------------|------------|---|----|--------|--|----|--------|---|----|--------|---|----|----------|---|----|--------|------------------------------|--|
| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><div style="text-align: center; font-weight: bold; margin-top: 10px;">Basic National Fee (37 CFR 1.492(a)(1)-(5)):</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Search Report has been prepared by the EPO or JPO . . . .</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 30%; text-align: right;">950.00</td> </tr> <tr> <td>International preliminary examination fee paid to USPTO (37 CFR 1.482) . . . . .</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">750.00</td> </tr> <tr> <td>No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . .</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">790.00</td> </tr> <tr> <td>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445 (a)(2)) paid to USPTO . . . . .</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1,110.00</td> </tr> <tr> <td>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) . . . . .</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">100.00</td> </tr> </table> <div style="text-align: right; font-weight: bold; margin-top: 10px;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> |              |              |            | Search Report has been prepared by the EPO or JPO . . . . | \$ | 950.00 | International preliminary examination fee paid to USPTO (37 CFR 1.482) . . . . . | \$ | 750.00 | No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . . | \$ | 790.00 | Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445 (a)(2)) paid to USPTO . . . . . | \$ | 1,110.00 | International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) . . . . . | \$ | 100.00 | CALCULATIONS<br>PTO USE ONLY |  |
| Search Report has been prepared by the EPO or JPO . . . .   | \$           | 950.00       |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| International preliminary examination fee paid to USPTO (37 CFR 1.482) . . . . .  | \$           | 750.00       |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . .   | \$           | 790.00       |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445 (a)(2)) paid to USPTO . . . . .   | \$           | 1,110.00     |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) . . . . .   | \$           | 100.00       |            |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
|   |              |              |            | \$ 950.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Surcharge of \$ 0.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |              |            | \$ 0.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Claims  | Number Filed | Number Extra | Rate       |   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Total Claim   | 23 - 20 =    | 3            | X \$ 18.00 | \$ 54.00  |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Independent Claims  | 6 - 3 =      | 3            | X \$ 88.00 | \$ 264.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Multiple dependent claim(s) (if applicable)   |              |              |            | \$ 0.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| Processing fee of \$ 0 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |              |            | \$ 0.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
| TOTAL NATIONAL FEE =  |              |              |            | \$ 1,268.00   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
|   |              |              |            | Amount to be refunded: \$                                 |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |
|   |              |              |            | charged: \$   |    |        |  |    |        |   |    |        |   |    |          |   |    |        |                              |  |

  

|    |                                     |   |
|----|-------------------------------------|---|
| a. | <input type="checkbox"/>            | A check in the amount of \$ _____ to cover the above fees is enclosed.  |
| b. | <input checked="" type="checkbox"/> | Please charge my Deposit Account No. 04-1512 in the amount of \$ 1,268.00 to cover the above fees. A duplicate copy of this sheet is enclosed.  |
| c. | <input checked="" type="checkbox"/> | The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1512 . A duplicate copy of this sheet is enclosed. |

  

**Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

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|--|---|
| SEND ALL CORRESPONDENCE TO:<br>Graham E. Taylor<br>The Dow Chemical Company<br>Intellectual Property<br>P.O. Box 1967<br>Midland, Michigan 48641-1967<br>UNITED STATES OF AMERICA<br><br>Phone: (989) 636-5355 | Signature: <u>Jennifer S. Warren</u><br><div style="text-align: center;">Jennifer S. Warren , Registration No. 41,522</div><br>Date: <u>07 October 2004</u> |
|--|---|